

1 Title: To provide for the settlement of certain claims under the Alaska Native Claims Settlement
2 Act, and for other purposes.
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5 Be it enacted by the Senate and House of Representatives of the United States of America in
6 Congress assembled,

7 SECTION 1. SHORT TITLE.

8 This Act may be cited as the “Southeast Alaska Native Land Entitlement Finalization and Jobs
9 Protection Act”.

10 SEC. 2. DEFINITIONS.

11 In this Act:

12 (1) SEALASKA.—The term “Sealaska” means the Sealaska Corporation, a Regional
13 Native Corporation created under the Alaska Native Claims Settlement Act (43 U.S.C. 1601
14 et seq.).

15 (2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

16 SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.

17 (a) Selection by Sealaska.—

18 (1) IN GENERAL.—Notwithstanding section 14(h)(8) of the Alaska Native Claims
19 Settlement Act (43 U.S.C. 1613(h)(8)), Sealaska is authorized to select and receive
20 conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et
21 seq.) from Federal land located in southeast Alaska from each category described in
22 subsections (b) and (c).

23 (2) TREATMENT OF LAND CONVEYED.—Land conveyed pursuant to this Act is to be
24 treated as land conveyed pursuant to the Alaska Native Claims Settlement Act (43 U.S.C.
25 1601 et seq.) subject to—

26 (A) reservation of public easements across land pursuant to section 17(b) of the
27 Alaska Native Claims Settlement Act (43 U.S.C. 1616(b));

28 (B) valid existing rights pursuant to section 14(g) of the Alaska Native Claims
29 Settlement Act (43 U.S.C. 1613(g)); and

30 (C) the land bank protections of section 907(d) of the Alaska National Interest Lands
31 Conservation Act (43 U.S.C. 1636(d)).

32 (b) Withdrawal of Land.—The following public land is withdrawn, subject to valid existing
33 rights, from all forms of appropriation under public land laws, including the mining and mineral
34 leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the “Alaska
35 Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85–508), and shall be available for
36 selection by, and conveyance to, Sealaska to complete the remaining land entitlement of
37 Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C.
38 1613(h)(8)):

1 (1) Land identified on the maps dated February 1, 2011, and labeled “Attachment A
2 (Maps 1 through 8)”.

3 (2) Sites with traditional and recreational use value, as identified on the map entitled
4 “Sites with Traditional and Recreational Use Value”, dated February 1, 2011, and labeled
5 “Attachment D”, subject to the condition that not more than 5,000 acres shall be selected for
6 those purposes.

7 (3) Sites identified on the map entitled “Traditional and Customary Trade and Migration
8 Routes”, dated February 1, 2011, and labeled “Attachment C”, which includes an
9 identification of—

10 (A) a conveyance of land 25 feet in width, together with 1-acre sites at each
11 terminus and at 8 locations along the route, with the route, location, and boundaries of
12 the conveyance described on the map inset entitled “Yakutat to Dry Bay Trade and
13 Migration Route” on the map entitled “Traditional and Customary Trade and
14 Migration Routes”, dated February 1, 2011, and labeled “Attachment C”;

15 (B) a conveyance of land 25 feet in width, together with 1-acre sites at each
16 terminus, with the route, location, and boundaries of the conveyance described on the
17 map inset entitled “Bay of Pillars to Port Camden Trade and Migration Route” on the
18 map entitled “Traditional and Customary Trade and Migration Routes”, dated February
19 1, 2011, and labeled “Attachment C”; and

20 (C) a conveyance of land 25 feet in width, together with 1-acre sites at each
21 terminus, with the route, location, and boundaries of the conveyance described on the
22 map inset entitled “Portage Bay to Duncan Canal Trade and Migration Route” on the
23 map entitled “Traditional and Customary Trade and Migration Routes”, dated February
24 1, 2011, and labeled “Attachment C”.

25 (c) Sites With Sacred, Cultural, Traditional, or Historic Significance.—Subject to the criteria
26 and procedures applicable to land selected pursuant to section 14(h)(1) of the Alaska Native
27 Claims Settlement Act (43 U.S.C. 1613(h)(1)) and set forth in the regulations promulgated at
28 section 2653.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of
29 this Act), except as otherwise provided in this Act—

30 (1) Sealaska shall have a right to identify up to 3,600 acres of sites with sacred, cultural,
31 traditional, or historic significance, including archeological sites, cultural landscapes, and
32 natural features having cultural significance; and

33 (2) on identification of the land by Sealaska under paragraph (1), the identified land shall
34 be—

35 (A) withdrawn, subject to valid existing rights, from all forms of appropriation under
36 public land laws, including the mining and mineral leasing laws, and from selection
37 under the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48
38 U.S.C. note prec. 21; Public Law 85–508); and

39 (B) available for selection by, and conveyance to, Sealaska to complete the
40 remaining land entitlement of Sealaska under section 14(h)(8) of the Alaska Native
41 Claims Settlement Act (43 U.S.C. 1613(h)(8)), subject to the conditions that—

42 (i) no sites with sacred, cultural, traditional, or historic significance may be

selected from within a unit of the National Park System; and

(ii) beginning on the date that is 15 years after the date of enactment of this Act, Sealaska shall be limited to identifying not more than 360 acres of sites with sacred, cultural, traditional, or historic significance under this subsection.

(d) Forest Development Roads.—Sealaska shall receive from the United States, subject to such reasonable terms and conditions as the Forest Service may impose, nonexclusive easements to Sealaska to allow—

(1) access on the forest development road and use of the log transfer site identified in paragraphs (3)(b), (3)(c), and (3)(d) of the patent numbered 50–85–0112 and dated January 4, 1985;

(2) access on the forest development road identified in paragraphs (2)(a) and (2)(b) of the patent numbered 50–92–0203 and dated February 24, 1992;

(3) access on the forest development road identified in paragraph (2)(a) of the patent numbered 50–94–0046 and dated December 17, 1993;

(4) access on the forest development roads and use of the log transfer facilities identified on the maps dated February 1, 2011, and labeled “Attachment A (Maps 1 through 8)”;

(5) a reservation of a right to construct a new road to connect to existing forest development roads, as generally identified on the maps described in paragraph (4); and

(6) access to, and reservation of a right to, construct a new log transfer facility and log storage area at the location identified on the maps described in paragraph (4).

SEC. 4. CONVEYANCES TO SEALASKA.

(a) Timeline for Conveyance.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Secretary shall work with Sealaska to develop a mutually agreeable schedule to complete the conveyance of land to Sealaska under this Act.

(2) FINAL PRIORITIES.—Consistent with the provisions of section 403 of the Alaska Land Transfer Acceleration Act (43 U.S.C. 1611 note; Public Law 108–452), not later than 18 months after the date of enactment of this Act, Sealaska shall submit to the Secretary the final, irrevocable priorities for selection of land withdrawn under section 3(b)(1).

(3) SUBSTANTIAL COMPLETION REQUIRED.—Not later than 2 years after the date of selection by Sealaska of land withdrawn under section 3(b)(1), the Secretary shall substantially complete the conveyance of the land to Sealaska under this Act.

(4) EFFECT.—Nothing in this Act shall interfere with, or cause any delay in, the duty of the Secretary to convey land to the State of Alaska under section 6 of the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85–508).

(b) Expiration of Withdrawals.—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act

1 (43 U.S.C. 1613(h)(8))—

2 (1) the right of Sealaska to receive any land under section 14(h)(8) of that Act from
3 within a withdrawal area established under subsections (a) and (d) of section 16 of that Act
4 (43 U.S.C. 1615(a) and 1615(d)) shall be terminated;

5 (2) the withdrawal areas set aside for selection by Native Corporations in southeast
6 Alaska under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and
7 1615(d)) shall be rescinded; and

8 (3) land located within a withdrawal area that is not conveyed to Sealaska or to a
9 southeast Alaska Village Corporation or Urban Corporation shall be returned to the
10 unencumbered management of the Forest Service as part of the Tongass National Forest.

11 (c) Limitation.—Sealaska shall not select or receive under this Act any conveyance of land
12 pursuant to paragraph (1) or (2) of section 3(b) located within—

13 (1) any conservation system unit;

14 (2) any federally designated wilderness area; or

15 (3) any Land Use Designation I or II area.

16 (d) Applicable Easements and Public Access.—

17 (1) IN GENERAL.—The conveyance to Sealaska of land withdrawn pursuant to paragraphs
18 (1) and (3) of section 3(b) that is located outside a withdrawal area designated under section
19 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

20 (A) a reservation for easements for public access on the public roads depicted on the
21 maps dated February 1, 2011, and labeled “Attachment A (Maps 1 through 8)”;

22 (B) a reservation for easements along the temporary roads designated by the Forest
23 Service as of the date of enactment of this Act for the public access trails depicted on
24 the maps described in subparagraph (A); and

25 (C) the right of noncommercial public access for subsistence uses, consistent with
26 title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et
27 seq.), and recreational access, without liability to Sealaska, subject to—

28 (i) the right of Sealaska to regulate access to ensure public safety, to protect
29 cultural or scientific resources, and to provide environmental protection; and

30 (ii) the condition that Sealaska shall post on any applicable property, in
31 accordance with State law, notices of the conditions on use.

32 (2) SACRED, CULTURAL, TRADITIONAL AND HISTORIC SITES.—The conveyance to Sealaska
33 of land withdrawn pursuant to section 3(c) that is located outside of a withdrawal area
34 designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C.
35 1615(a)) shall be subject to—

36 (A) the right of public access across the conveyances where no reasonable
37 alternative access around the land is available without liability to Sealaska; and

38 (B) the right of Sealaska to regulate access across the conveyances to ensure public
39 safety, to protect cultural or scientific resources, to provide environmental protection,

1 or to prohibit activities incompatible with the use and enjoyment of the land by
2 Sealaska, subject to the condition that Sealaska shall post on any applicable property,
3 in accordance with State law, notices of the conditions on use.

4 (3) TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—The conveyance to
5 Sealaska of land withdrawn pursuant to section 3(b)(3) that is located outside of a
6 withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act
7 (43 U.S.C. 1615(a)) shall be subject to a requirement that Sealaska provide public access
8 across such linear conveyances if an adjacent landowner or the public has a legal right to
9 use the adjacent private or public land.

10 (4) CERTAIN NATIVE SITES.—The conveyance to Sealaska of land withdrawn pursuant to
11 section 3(b)(2) that is located outside of a withdrawal area designated under section 16(a) of
12 the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

13 (A) the right of public access across the land without liability to Sealaska; and

14 (B) the condition that public access across the land would not be unreasonably
15 restricted or impaired.

16 (5) EFFECT.—No right of access provided to any individual or entity (other than
17 Sealaska) by this subsection—

18 (A) creates any interest, other than an interest retained by the United States, of such
19 an individual or entity in the land conveyed to Sealaska in excess of that right of
20 access; or

21 (B) provides standing in any review of, or challenge to, any determination by
22 Sealaska with respect to the management or development of the applicable land.

23 (e) Conditions on Sacred, Cultural, and Historic Sites and Traditional and Customary Trade
24 and Migration Routes.—The conveyance to Sealaska of land withdrawn pursuant to sections
25 3(b)(3) and 3(c)—

26 (1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral
27 development on the land;

28 (2) shall allow use of the land as described in subsection (f); and

29 (3) shall not be subject to any additional restrictive covenant based on cultural or historic
30 values, or any other restriction, encumbrance, or easement, except as provided in sections
31 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

32 (f) Uses of Sacred, Cultural, Traditional, and Historic Sites and Traditional and Customary
33 Trade and Migration Routes.—Any land conveyed to Sealaska from land withdrawn pursuant to
34 sections 3(b)(3) and 3(c) may be used for—

35 (1) preservation of cultural knowledge and traditions associated with the site;

36 (2) historical, cultural, and scientific research and education;

37 (3) public interpretation and education regarding the cultural significance of the site to
38 Alaska Natives;

39 (4) protection and management of the site to preserve the natural and cultural features of
40 the site, including cultural traditions, values, songs, stories, names, crests, and clan usage,

1 for the benefit of future generations; and

2 (5) site improvement activities for any purpose described in paragraphs (1) through (4),
3 subject to the condition that the activities—

4 (A) are consistent with the sacred, cultural, traditional, or historic nature of the site;
5 and

6 (B) are not inconsistent with the management plans for adjacent public land.

7 (g) Termination of Restrictive Covenants.—

8 (1) IN GENERAL.—Each restrictive covenant regarding cultural or historical values with
9 respect to any interim conveyance or patent for a historic or cemetery site issued to Sealaska
10 pursuant to the Federal regulations contained in sections 2653.5(a) and 2653.11 of title 43,
11 Code of Federal Regulations (as in effect on the date of enactment of this Act), in
12 accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C.
13 1613(h)(1)), terminates as a matter of law on the date of enactment of this Act.

14 (2) REMAINING CONDITIONS.—Land subject to a covenant described in paragraph (1) on
15 the day before the date of enactment of this Act shall be subject to the conditions described
16 in subsection (e).

17 (3) RECORDS.—Sealaska shall be responsible for recording with the land title recorders
18 office of the State of Alaska any modification to an existing conveyance of land under
19 section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a
20 result of this Act.

21 (h) Conditions on Certain Native Sites.—Each conveyance of land to Sealaska from land
22 withdrawn pursuant to section 3(b)(2) shall be subject to a covenant prohibiting any commercial
23 timber harvest or mineral development.

24 (i) Escrow Funds for Withdrawn Land.—On the withdrawal by this Act of land identified for
25 selection by Sealaska, the escrow requirements of section 2 of Public Law 94–204 (43 U.S.C.
26 1613 note), shall apply to the withdrawn land.

27 (j) Guiding and Outfitting Special Use Permits or Authorizations.—

28 (1) IN GENERAL.—Consistent with the provisions of section 14(g) of the Alaska Native
29 Claims Settlement Act (43 U.S.C. 1613(g)), on land conveyed to Sealaska from land
30 withdrawn pursuant to sections 3(b)(1) and 3(b)(2), an existing holder of a guiding or
31 outfitting special use permit or authorization issued by the Forest Service shall be entitled to
32 its rights and privileges on the land for the remaining term of the permit, as of the date of
33 conveyance to Sealaska, and for 1 subsequent 10-year renewal of the permit, subject to the
34 condition that the rights shall be considered a valid existing right reserved pursuant to
35 section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), and shall be
36 managed accordingly.

37 (2) NOTICE OF COMMERCIAL ACTIVITIES.—Sealaska, with respect to the holder of a
38 guiding or outfitting special use permit or authorization under this subsection, and a permit
39 holder referenced in this subsection, with respect to Sealaska, shall have an obligation to
40 inform the other party of their respective commercial activities before engaging in the
41 activities on land, which has been conveyed to Sealaska under this Act, subject to the permit

1 or authorization.

2 (3) NEGOTIATION OF NEW TERMS.—Nothing in this subsection precludes Sealaska and a
3 permit holder under this subsection from negotiating new mutually agreeable permit terms
4 that supersede the requirements of—

5 (A) this subsection;

6 (B) section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g));
7 or

8 (C) any deed covenant.

9 (4) LIABILITY.—Sealaska shall bear no liability regarding use and occupancy pursuant to
10 special use permits or authorizations on land selected or conveyed pursuant to this Act.

11 SEC. 5. MISCELLANEOUS.

12 (a) Status of Conveyed Land.—Each conveyance of Federal land to Sealaska pursuant to this
13 Act, and each Federal action carried out to achieve the purpose of this Act, shall be considered to
14 be conveyed or acted on, as applicable, pursuant to the Alaska Native Claims Settlement Act (43
15 U.S.C. 1601 et seq.).

16 (b) Environmental Mitigation and Incentives.—Notwithstanding subsection (e) and (h) of
17 section 4, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43
18 U.S.C. 1601 et seq.) and this Act shall be considered to be qualified to receive or participate in,
19 as applicable—

20 (1) any federally authorized carbon sequestration program, ecological services program,
21 or environmental mitigation credit; and

22 (2) any other federally authorized environmental incentive credit or program.

23 (c) No Material Effect on Forest Plan.—

24 (1) IN GENERAL.—Except as required by paragraph (2) and the amendment made by
25 section 6, implementation of this Act, including the conveyance of land to Sealaska, alone
26 or in combination with any other factor, shall not require an amendment of, or revision to,
27 the Tongass National Forest Land and Resources Management Plan before the first revision
28 of that Plan scheduled to occur after the date of enactment of this Act.

29 (2) BOUNDARY ADJUSTMENTS.—The Secretary of Agriculture shall implement any land
30 ownership boundary adjustments to the Tongass National Forest Land and Resources
31 Management Plan resulting from the implementation of this Act through a technical
32 amendment to that Plan.

33 (d) Effect on Entitlement.—Nothing in this Act shall have any effect upon the entitlement due
34 to any Native Corporation, other than Sealaska, under—

35 (1) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

36 (2) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

37 SEC. 6. CONSERVATION AREAS.

38 (a) In General.—Section 508 of the Alaska National Interest Lands Conservation Act (Public

1 Law 96–487; 94 Stat. 2381, 104 Stat. 4428) is amended—

2 (1) in the matter preceding paragraph (1), by striking “The following lands are hereby”
3 and inserting the following:

4 “(a) In General.—The following land is”; and

5 (2) by adding at the end the following:

6 “(13) CONSERVATION AREAS.—Subject to valid existing rights, certain land for
7 conservation purposes, comprising approximately 151,565 acres, as depicted on the map
8 entitled “Conservation Areas”, dated February 1, 2011, and labeled “Attachment E”, which
9 is more particularly described as follows:

10 “(A) BAY OF PILLARS.—Certain land, comprising approximately 21,146.5 acres,
11 located on the southern shore of the Bay in Forest Service Value Comparison Unit
12 4030.

13 “(B) KUSHNEAHIN CREEK.—Certain land, comprising approximately 36,703 acres,
14 located on southwestern Kupreanof Island in the Forest Service Value Comparison
15 Units 4300 and 4310.

16 “(C) SARKAR LAKES.—Certain land, comprising approximately 25,403.7 acres,
17 located on Prince of Wales Island in Forest Service Value Comparison Unit 5541.

18 “(D) WESTERN KOSCUISKO.—Certain land, comprising approximately 7,416.5 acres,
19 located on Koscuisko Island in Forest Service Value Comparison Units 5410, 5430,
20 and 5440.

21 “(E) HONKER DIVIDE.—Certain land, comprising approximately 15,586.2 acres,
22 located on Prince of Wales Island in Forest Service Value Comparison Units 5740,
23 5750, 5760, 5780, and 5971.

24 “(F) EEK LAKE AND SUKKWAN ISLAND.—Certain land, comprising approximately
25 34,644.1 acres, located in Forest Service Value Comparison Units 6320, 6700, 6710
26 and 6720.

27 “(G) EASTERN KOSCUISKO.—Certain karst land, comprising approximately 1,663
28 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5430
29 and 5460.

30 “(H) NORTHERN PRINCE OF WALES.—Certain karst land, comprising approximately
31 10,888 acres, located in Forest Service Value Comparison Units 5280, 5290, 5311,
32 5313, 5330, 5360, and 5371.

33 “(b) Management of Conservation Areas.—

34 “(1) IN GENERAL.—Subject to paragraph (2), the conservation areas designated by
35 subsection (a)(13) shall be managed by the Secretary of Agriculture to protect subsistence
36 activities and unique biological and geological resources and to prohibit commercial timber
37 harvests or new road construction, in accordance with management guidelines developed
38 under the Tongass National Forest Land and Resource Management Plan.

39 “(2) REQUIREMENTS.—In managing the areas designated by subsection (a)(13)—

40 “(A) the Forest Service shall protect the traditional and cultural use, biological and

geological value, and, where applicable, the roadless character of the areas;

“(B) industrial logging and associated road building shall be prohibited;

“(C) timber micro-sales in accessible areas shall be allowed;

“(D) restoration projects in young-growth stands and salmon streams shall be encouraged for meeting integrated resource objectives;

“(E) subsistence enhancement and low impact recreation and tourism development projects shall be encouraged;

“(F) sustainable, community-scaled economic development of forest and marine resources shall be allowed, including issuance of special use permits for non-timber forest products gathering, mariculture development, and transportation and energy development; and

“(G) existing and future Transportation and Utility Systems shall be permitted in designated Transportation and Utility System Corridors under the Tongass National Forest Land and Resource Management Plan.

“(c) Limitation.—The establishment of the conservation areas by subsection (a)(13) shall not be used by the Secretary of Agriculture or a designee of the Secretary of Agriculture as a basis for any administrative management decisions to establish by administrative action any buffers, withdrawals, land-use designations, road closures, or other similar actions on any land, value comparison units, or adjacent land-use designations.”.

SEC. 7. MAPS.

(a) Availability.—Each map referred to in this Act shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) Corrections.—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this Act.

(c) Treatment.—No map referred to in this Act shall be considered to be an attempt by the Federal Government to convey any State or private land.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.